



Department of Public Health and Environment

GRACE FRANKLIN, DIRECTOR

PUBLIC HEALTH AGENCY ORDER # 2021 – 04

ADOPTION OF THE STATE OF COLORADO COVID-19 ORDERS AND ADDITIONAL SAFETY REQUIREMENTS TO CURTAIL THE SPREAD OF COVID-19

EFFECTIVE: *SATURDAY, MAY 1, 2021 at 1:00 AM MST*

RECITALS AND FINDINGS

WHEREAS, local public health orders are adopted pursuant to the legal authority set forth in sections 25-1-506, 25-1-508 and 25-1-509 of the Colorado Revised Statutes. Under these laws, the San Miguel County Board of Health and San Miguel County Public Health Director (Public Health Director) have the duty to investigate and control the causes of epidemic or communicable diseases and conditions affecting public health and to establish, maintain, and enforce isolation and quarantine, and in pursuance thereof, and for this purpose only, to exercise physical control over property and over the persons or the people within the jurisdiction of the agency as the agency may find necessary for the protection of the public health; and

WHEREAS, COVID-19 is a highly contagious respiratory illness transmitted primarily through person-to-person contact. Persons infected with COVID-19 may become symptomatic anywhere from two (2) to fourteen (14) days after exposure. Symptoms may include but are not limited to, a runny or stuffy nose, fever/chills, cough, shortness of breath, or difficulty breathing. Individuals with serious chronic health conditions and older adults are most at risk for becoming critically ill with this disease; and

WHEREAS, COVID-19 has been known to spread when a person is infected but they have not had any symptoms of illness making it very difficult to control the spread of this disease; and

WHEREAS, the Director General of the World Health Organization has declared that COVID-19 constitutes a Public Health Emergency of International Concern and characterized it as a pandemic. The Secretary of the U.S. Department of Health and Human Services has declared COVID-19 constitutes a public health emergency and on March 13, 2020, the President of the United States declared a National Emergency. On March 10, 2020, the Governor of Colorado ("Governor"), Jared Polis, declared a State of Emergency related to the presence of COVID-19 in the State of Colorado and on March 16, 2020, the Chair of the Board of County Commissioners for San Miguel County declared a local disaster emergency and that declaration continues; and

WHEREAS, the Public Health Director, upon advisement from the County Board of Health, the County Medical Officer and state public health officials, continues to closely monitor conditions in regards to COVID-19 at the national, state and local level; and

WHEREAS, as of April 26, 2021, there have been 502,242 confirmed or probable positive cases of COVID-19 in Colorado, 6,384 COVID-19 related deaths statewide and 864 confirmed cases (county-residents only) in San Miguel County; and

WHEREAS, based on our local data, the Public Health Director determines that regional customizations of public health orders are reasonable and necessary to curtail the spread of COVID-19; and

WHEREAS, the Public Health Director continues to find that residents who have traveled outside of the County for a prolonged period of time, non-residents, visitors and non-resident homeowners from lower altitudes, regardless of whether they are residents of Colorado, another state, or a foreign country, are at a greater risk for complications from COVID-19 infection than residents, who are acclimatized to the high-altitude environment of San Miguel County; and

WHEREAS, San Miguel County is a state, national and international destination for visitors who may have chosen not to be vaccinated and our community and region has limited hospital bed capacity. Therefore,, community mitigation tools, such as physical distancing, face coverings, hand washing, self-quarantining and isolating if sick and reporting symptoms to public health officials, continue to be necessary to reduce the spread of COVID-19 to protect health and save lives; and

WHEREAS, C.R.S. § 25-1-506(3)(b) authorizes the Public Health Director to take action and issue notices and orders to control the spread of communicable diseases, such as COVID-19. This authority includes the establishment, maintenance, and enforcement of isolation and quarantine, as the Public Health Director finds necessary to protect public health and to prevent further spread of diseases. This authority also includes the ability to investigate and abate nuisances, when necessary, in order to eliminate sources of epidemic or communicable diseases and conditions affecting the public health, and to investigate and control the causes of epidemic or communicable diseases and conditions affecting public health; and

WHEREAS, C.R.S. § 25-1-506(3)(b) places a duty on the Public Health Director to close schools and public places and to prohibit gatherings when necessary to protect public health; and

WHEREAS, in the event of a public health emergency, C.R.S. § 25-1-509(1)(c) directs the Public Health Director to issue orders and adopt rules consistent with the laws and rules of the state as the public health director may deem necessary for the proper exercise of powers and duties vested in or imposed upon the San Miguel County Department of Public Health and Environment and the San Miguel County Board of Health; and

WHEREAS, additional or different restrictions may need to be imposed and future orders issued by the Public Health Director to effectively address the ongoing pandemic. Accordingly, **the Public Health Director reserves the right to tighten restrictions in future orders and amendments should the protection of public health necessitate such measures** and no person should presume that future orders will automatically or necessarily further relax the restrictions contained in this Order.

NECESSITY OF THIS ORDER

This Order is issued based on evidence of the occurrence and transmission of COVID-19 within San Miguel County. The dangers of COVID-19 are exacerbated because some individuals who contract the virus may be pre-symptomatic, asymptomatic, or have mild symptoms and may not be aware that they are carrying the coronavirus.

This Order is further based on scientific evidence and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically, and evidence that the age, condition, and health of a significant portion of the population within San Miguel County places the population at risk for serious health complications, including death, from COVID-19.

COVID-19 positive case data for San Miguel County shows that by reducing the rate of potential transmission of COVID-19 through non-pharmaceutical interventions, this Order helps to prevent increased disease transmission across the greater San Miguel County community and preserve critical and limited healthcare capacity in the region.

This Order is necessary and reasonable to slow the rate of potential transmission of COVID-19, and the Public Health Director, in collaboration with the San Miguel County Board of Health, will re-evaluate this Order if conditions change in such a way that this framework may need to be adjusted.

Individuals infected with COVID-19 may be contagious before their symptoms start until their symptoms improve and meet CDC end of isolation guidance. To help stop the spread of disease, anyone who may have been in close contact with someone with COVID-19 must be kept separate from people who are healthy; this is called "quarantine." At this time, it is believed that symptoms of COVID-19 may appear in as few as 2 days or as long as 14 days after exposure.

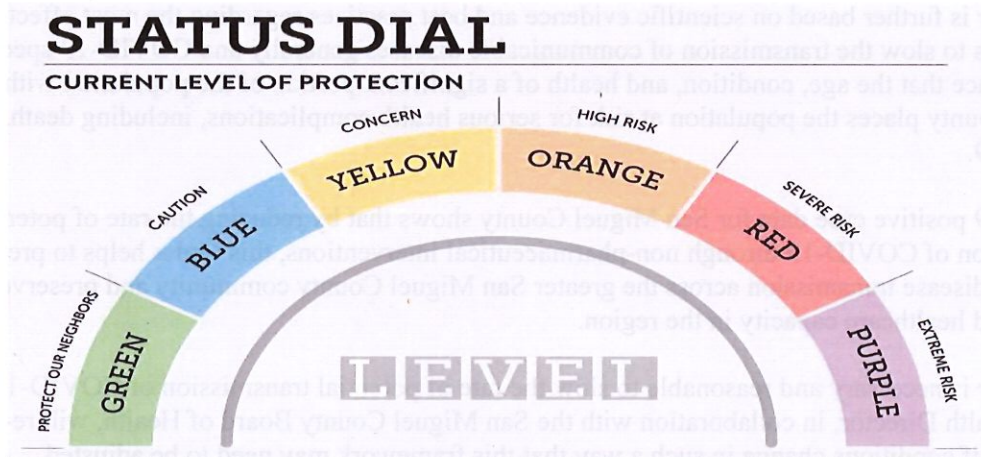
INTENT

The intent of this Order is to ensure that the community as a whole has the opportunity to live, work, and play in environments that do not put them at undue risk for infection of COVID-19. Additionally, maintaining low COVID-19 transmission keeps hospital capacity manageable and allows for other medical care to continue. Preventing further spread or a resurgence of disease will require that all individuals and businesses be responsible for adhering to the requirements of this Order. Should a surge of illness continue, additional restrictions on activities may be implemented. Likewise, the Public Health Director may loosen restrictions as they deem reasonable and necessary if these Orders succeed in minimizing the spread of COVID-19. All provisions of this Order should be interpreted to effectuate this intent.

ORDER

I. GENERAL

- A. This Order rescinds and replaces in full all prior public health orders issued by the San Miguel County Public Health Director. ***Changes from the prior order are highlighted in Bold and Italics.***
- B. This Order shall apply to all unincorporated areas of San Miguel County, Colorado, and all incorporated (municipal) areas that do not have a public health agency, to wit: Town of Telluride, Town of Mountain Village, Town of Norwood, Town of Ophir, and the Town of Sawpit, Colorado.
- C. **Incorporation of State Orders/Guidance.** Executive Orders issued by the Governor and all CDPHE Public Health Orders and other CDPHE guidance documents to include the COVID-19 Dial as updated on March 24, 2021, are hereby adopted and deemed incorporated herein as may be amended or restated from time to time are incorporated in this Order as if fully set forth herein.



- D. **Compliance with State Orders/Guidance.** In order to safely open and operate, businesses and other entities allowed to operate must comply with all Executive Orders issued by the Governor, all CDPHE Public Health Orders and *other CDPHE guidance documents to include the COVID-19 Dial as updated on March 24, 2021*, applicable to such operations are hereby adopted and deemed incorporated herein as may be amended or restated from time to time are incorporated in this Order as if fully set forth herein. (<https://covid19.colorado.gov/guidance-for-businesses-communities>)
- E. Nothing in this Order prevents any individual local governmental entity, business or service provider from adopting more protective standards for the health and safety of their jurisdictions, employees, offices, businesses or customers.
- F. Nothing in this Order prevents businesses or service providers from denying any or all of their services as they deem appropriate and necessary under the circumstances.
- G. **Most Restrictive Standard Controls.** To the extent there is a conflict between State, County, Town or Business rules/orders, the more restrictive provisions control. For clarity's sake, County provisions that are more restrictive than the Executive Orders and State Public Health Orders are highlighted with an asterisk (*).
- H. *** Posting Compliance Signage.** Businesses from all industries **must** post appropriate [signage](#) to communicate current COVID-19 protocols, as instructed by San Miguel county Public Health.
- I. **Take the Pledge.** Everyone is strongly encouraged to follow the Five Commitments of Containment to curb the spread of COVID-19 and help keep our community open: wear a mask; physically distance; minimize group size; wash hands frequently; and stay at home when sick and get tested.
- J. *** Cooperation with Contact Tracing, Quarantine Orders, and Isolation Orders.** All individuals must cooperate with contact tracing efforts conducted by San Miguel County Public Health as well as any quarantine or isolation orders issued by County Public Health.
- K. *** Isolation and Quarantine.**
- 1) All individuals who have a confirmed positive COVID-19 test, regardless of where that test was performed or how it was provided (medical practitioner, at home COVID-19

test, or County Public Health) must isolate for 10 days from onset of symptoms or test date if asymptomatic. Isolation means you must stay at home away from all other people. If possible, use a separate bedroom and bathroom and stay out of shared spaces. If you need to be in a shared space, limit the amount of time in that space and wear a mask. Wash hands frequently and disinfect shared spaces. **Prohibited activities after being confirmed positive for COVID-19 include but are not limited to** going out of your home to run, walk, ski, hike, bike, attend school, go to work or go shopping for essential or non-essential items. County Public Health has [resources](#) to assist in getting essential items delivered to your home. Individuals may only leave their homes in order to seek essential medical care.

- 2) All individuals who have been notified that they are a close contact with a person who tested positive must quarantine for 10 days from the last date of known close contact. Quarantine means to stay in their home and not interact with others outside of your household. If a close contact individual becomes symptomatic during this timeframe, they must notify San Miguel Public Health immediately for next steps.
- 3) All individuals who have any symptom that is associated with COVID-19 (runny or stuffy nose, fever, cough, loss of smell or taste, shortness of breath, or difficulty breathing) are strongly encouraged to receive a COVID-19 test and self-quarantine, stay in their home and not interact with others outside of your household.

L. Responsibility for Compliance.

- Individuals. Each individual present within San Miguel County whether they are a full-time resident, part-time resident or [visitor](#) is responsible for compliance with this Order and any additional restrictions implemented by individual towns, businesses and facilities.
- Businesses. The responsibility for compliance for [businesses](#) within this Order shall apply to the owner of the Business and owner of the property on which the facility or event is located.
- Everyone should take steps to review and become familiar with the materials found on the [County](#) and [State](#) websites, posted by the business or facility as well as materials that are sent to them through the mail or various electronic media. <https://covid-19-sanmiguelco.hub.arcgis.com/>

M. **Severability.** If any provision of this Order is held to be invalid, the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect.

N. **Conflicting Interpretations.** To the extent any ambiguity exists between this Order and any statement made by San Miguel County staff and officials or others regarding the interpretation or effect of this Order, the express terms of this Order and its interpretation by the Public Health Director or her designee shall control.

O. **Penalties.** Failure to comply with any provision of this Order may result in (1) a fine of up to five thousand (\$5,000) dollars and/or imprisonment in the county jail for up to eighteen (18) month pursuant to C.R.S. §§ 25-1-516 and 18-1.3-501; (2) loss of business license(s); (3) and/or a temporary shutdown of your business or worksite.

II. INDIVIDUALS AND BUSINESSES IN THE ENTIRE COUNTY

A. Individuals and Businesses shall follow all of the provisions outlined in the State's COVID-19 Dial and cleaning/sanitation guidelines except as follows:

- 1) **Public Transportation:** Public transportation service providers has the option to operate at seventy-five percent (75%) capacity. Maintaining 6ft distance between passengers outside of one household is recommended for routes longer than 15 minutes. Face coverings shall be worn by all drivers and passengers for the duration of the transportation services.
- 2) *** Events:** Any event over 500 people must obtain written approval from Public Health by submitting plans to demonstrate covid safety protocol, in alignment with CDPHE outdoor event guidelines. Plans can be submitted via email publichealth@sanmiguelcountyco.gov

COVID safety protocols must address the following:

- a) Participant pods, or groups of people, are to be limited to 10 people maximum. Within the set pods, masks are not required if outdoors.
 - b) Each pod needs to be spaced at least 6 feet apart.
 - c) Masks must be worn by all people when moving within the event space outside of the designated pod area. This would include entry/exit lines, waiting in line for food, drink, and restrooms as spacing between parties may be limited.
 - d) Operators must manage the event to manage traffic flow between designated activities to minimize or eliminate mixing of groups. This should include single direction traffic flow in and out of the venue and seating areas and spacing for lines for vendors that do not interrupt traffic flow.
 - i) When possible, have sections for the event that have their own dedicated entrance/exit, restrooms, hand sanitizer stations, and concessions. This minimizes traffic and crowding in these known high touch points.
 - e) Employees should participate in symptom screening prior to arrival for each shift and exclude ill or symptomatic individuals from work.
 - f) COVID safety protocols and expectations are to be shared with participants (ex. posted on the website, signs at the event).
- 3) *** Short Term Lodging**
- a) "Short Term Lodging" is defined as the provision of lodging to individuals, whether privately or professionally managed, for less than 30 days and includes, without limitation: hotels, motels, homeowner rentals, privately owned residences for rent on an online hosting website such as Airbnb and VRBO, timeshares, bed and breakfasts, condo-hotels, lodges and retreats.
 - b) *"Capacity" refers to the number of people allowed in the unit.*
 - c) *"Occupancy" is determined by the number of nights a given unit is rented, not by the number of people in the unit or room.*
 - d) **Lodging Verification Form:** *All Lodging Management Companies and Individual/Private Operators (self-managed) are required to have current licenses and register with San Miguel County pursuant to San Miguel Public Health Agency Order*

(PHO) 2020-06 issued May 29, 2020, before any lodging rentals are permitted. [Lodging Verification Form.](#)

- e) *All Short Term Lodging providers are subject to the following as may be amended or restated from time to time and as incorporated in this Order as if fully set forth herein.*

	LEVEL GREEN	LEVEL BLUE	LEVEL YELLOW	LEVEL ORANGE	LEVEL RED & Orange EX	LEVEL PURPLE
Lodging Capacity	100%	85%	75%	60%	50%	25%
Household Size (See Personal Gathering Size per State Guidance)	Reference the latest CDC guidance for masking during gatherings with vaccinated people.	Reference the latest CDC guidance for masking during gatherings with vaccinated people.	Reference the latest CDC guidance for masking during gatherings with vaccinated people.	Up to 10 from no more than 2 households	Single household	Single household

- f) **Occupancy Limit/Maximum Occupancy:** *The calculations for occupancy and capacity are different for Lodging Management Companies and Individual/Private Operators.*

i) *Lodging Management Companies: Companies with multiple short-term rental properties are limited to a total occupancy not to exceed the COVID Dial level as described by CDPHE on March 24, 2021, percentage on a nightly and monthly basis.*

ii) *Individual/Private Operators: Each individually managed short-term rental property is limited to a total occupancy not to exceed II.(A)(1)(c) above on a monthly basis. See chart below for the number of nightly rentals allowed per month under a maximum occupancy limit.*

Occupancy Level	100%	75%	60%	50%	25%
February	28	21	17	15	7
March	31	23	18	16	8
April	30	23	18	15	8
May	31	23	18	16	8
June	30	23	18	15	8
July	31	23	18	16	8

- g) **Room Capacity Limits:** *At no time shall the number of people located within the short-term lodging unit exceed the designated Capacity for the unit, including friends, visitors and paying guests. * Room Capacity Limits do not include limited lodging staff that may need to enter the short-term rental space for a limited amount of time to perform a service or minor maintenance function.*
- h) **Owner Stays:** *Owner stays will be excluded from the Maximum Occupancy Limit calculation.*
- i) Notwithstanding the above provisions regarding Short Term Lodging, the Public Health Director or her designee may authorize, in writing, rentals for emergency or quarantine purposes, or to provide lodging for essential federal, state, county or local personnel as needed for use for the public health response.

III. * FACE COVERINGS

- A. "Face Covering" shall mean a covering made of cloth, fabric, or other soft or permeable material, without holes, that covers only the nose and mouth and surrounding areas of the lower face, and that fits snugly but comfortably against the side of the face and remains in place without the use of one's hands. Face Coverings include, but are not limited to, bandanas, medical masks, cloth masks, buffs and gaiters. Face coverings do not include any mask that incorporates a one-way valve that is designed to facilitate easy exhaling, and such masks are not to be used to comply with this Order.
- B. Face Coverings Required for Those Over the Age of Ten. All persons, regardless of vaccination status, shall wear face coverings when entering and while inside of a place of business or mode of transportation open to the public and in public outdoor locations where persons are unable to maintain safe social distancing (six or more feet separation) from other persons who do not live in the same residence.
- C. Exceptions. Nothing herein shall require the wearing of face coverings by the following persons under this Order:
 - 1) Persons in restaurants or other food establishments which are permitted by state and local regulations to serve food for consumption on the premises, while such person is in the act of eating or drinking; provided, however, that face coverings must be worn while entering and exiting the restaurant, and while ordering, paying, or otherwise interacting with employees or other customers of the restaurant, and once the food and drink have been consumed;
 - 2) Persons working in a place of business who do not come into contact with the public and who do not share workspace with other persons not of their household; provided, however, that face coverings shall be worn while entering or exiting the building or otherwise when within six feet of another person in or around that place of business and as may otherwise be required under any other orders or directives issued by any entity with jurisdiction;
 - 3) Persons 10 years of age or younger or children within a childcare facility;
 - 4) Persons for whom a face covering would cause impairment due to an existing health condition or persons who, because of a disability, are unable to wear a face covering; and
 - 5) Persons in a place of business such as banks, financial institutions or other security sensitive businesses who are requested to remove or lower their face covering for purposes of verifying

their identity to carry out a sale or transaction; provided, however, that face coverings must otherwise be worn while in the establishment.

IV. GENERAL INFORMATION FOR ALL PERSONS AFFECTED BY THIS ORDER

- If you have questions regarding this Order, please contact the San Miguel County Health Department at 970.728.4289 and/or email publichealth@sanmiguelcountyco.gov.
- Any person aggrieved and affected by this Order has the right to request judicial review by filing an action with the San Miguel County District Court within 90 days of the date of this Order, pursuant to C.R.S. § 25-1-515. However, you must continue to obey the terms of this Order while your request for review is pending.

V. FURTHER GUIDANCE & GUIDELINES

- San Miguel COVID-19 Information & Links: <https://www.sanmiguelcountyco.gov/590/Coronavirus>
- San Miguel COVID-19 Communication Assets <https://drive.google.com/drive/folders/1W3NKG9kxZWj84VuxcUjSlaT0BkoK45XS>
- Colorado Public Health & Executive Orders: <https://covid19.colorado.gov/covid-19-in-colorado/public-health-executive-orders-resource>
- CDPHE COVID-19 Dial Dashboard: <https://covid19.colorado.gov/data/covid-19-dial-dashboard>
- CDPHE Environmental Cleaning Guidance: <https://drive.google.com/file/d/1XQnjAL2nzdPnb7Dabz7-fX8Pw7XlyUe8/view>
- CDPHE Guidance for Wearing Masks: <https://covid19.colorado.gov/mask-guidance>
- CDPHE Outdoor Event Guidance: <https://covid19.colorado.gov/outdoor-events>
- US Department of Labor OSHA Information: <https://www.osha.gov/SLTC/covid-19/>
- US Centers for Disease Control & Prevention: <https://www.cdc.gov/coronavirus/2019-ncov/index.html>
- US Centers for Disease Control & Prevention - Visiting Bars and Restaurants: <https://www.cdc.gov/coronavirus/2019-ncov/daily-life-coping/personal-social-activities.html#restaurant>

(End of Order)

This Order is in effect from

SATURDAY, MAY 1, 2021 at 1:00 AM MST

to

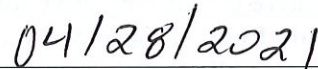
MONDAY, MAY 31, 2021 at MIDNIGHT MST

and is subject to continuing review by the Public Health Director.

DONE AND SIGNED, as the official Order of the Director of the San Miguel County Department of Public Health and Environment.



Grace Franklin, Public Health Director



Date